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Paper No. 13

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FEB 07 2003

OFFICE OF PETITIONS

In re Application of
Luther Kenneth Alexander et al.
Application No. 09/817,779
Filed: March 26, 2001
Attorney Docket No. AAM-3

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration, filed December 17, 2002 with a request for a two month extension of time.

The petition is GRANTED.

The above-identified application was filed on March 26, 2001. The application names as inventors Luther Kenneth Alexander, Lamar Merck and Ricky T. Holder. The declaration is signed by inventor Alexander only. The applicant files this petition alleging that joint inventors Lamar Merck and Ricky T. Holder refuse to execute the oath/declaration and thus seeks status under 37 CFR 1.47(a).

By declaration of Patricia Alexander, Administrative Assistant to joint inventor Alexander, the application papers were sent to both Mr. Merck and Mr. Holder and that both verbally refused in conversations with Ms. Alexander to execute the oath/declaration.

A grantable petition under 37 CFR § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

A petition under 37 CFR 1.47(a) was previously filed December 7, 2001 and dismissed in a decision dated August 26, 2002 as the oath/declaration filed with that petition was not in compliance with 35 U.S.C. §§ 25 and 115 and 37 CFR §§ 1.63 and 1.168.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR § 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Initial Patent Examination to be processed in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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Paper No. 14

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SIX MILE, SC 29682

RICKY T. HOLDER
115 HUGHES ST.
SENECA, SC 29672

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OFFICE OF PETITIONS

In re Application of
Luther Kenneth Alexander et al.
Application No. 09/817,779
Filed: March 26, 2001
For: TEMPORARY SIGN SYSTEM

Dear Mr. Merck and Mr. Holder:

You are named as a joint inventors in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventors.

As named inventors you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (703) 305-4497. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

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